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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/772,658

02/05/2004

Yigang Cai

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5579

40984

7590

11/14/2007

WERNER ULRICH

434 MAPLE STREET

GLEN ELLYN, IL 60137-3826

EXAMINER

MILLER, BRANDON J

ART UNIT

PAPER NUMBER

2617

MAIL DATE

DELIVERY MODE

11/14/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

### Application No.

10/772,658

### Applicant(s)

CAI, YIGANG

### Examiner

Brandon J. Miller

### Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10/17/2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 and 13-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 13-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment***

#### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/17/2007 has been entered and claims 1-11 and 13-21 are pending in the application.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1, 13, and 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites "wherein the step of performing terminating screening comprises the step of determining whether said called party is willing to accept calls from said calling party comprises the step of determining whether said called party has screened calls from said calling party" in lines 15-18. This limitation is indefinite because it does not clearly state whether the step of performing terminating screening comprises: determining whether said called party is willing to accept calls from said calling party; determining whether said called party has

screened calls from said calling party; or both. Therefore, the claim is rendered indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 13 recites "means, responsive to determining that the calling party may attempt to complete said call, comprising a SMS or MMS center for serving a called party of said call, performing terminating screening using data supplied by said called party," in lines 7-9. This limitation is indefinite because it does not clearly state what comprises a SMS or MMS center for serving a called party of said call. Therefore, the claim is rendered indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention

Claim 21 recites "wherein the step of performing terminating screening comprises the step of determining whether said called party is willing to accept calls from said calling party comprises the step of determining whether said called party has screened calls from said calling party" in lines 13-16. This limitation is indefinite because it does not clearly state whether the step of performing terminating screening comprises: determining whether said called party is willing to accept calls from said calling party; determining whether said called party has screened calls from said calling party; or both. Therefore, the claim is rendered indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The following art rejection is based upon the best possible interpretation of the claims in light of the rejection under 35 U.S.C. 112, second paragraph.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 6-7, 9-10, 13, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCann (US 2003/0091170 A1) in view of Zhang et al. (US 7,116,972 B1).

Regarding claim 1 McCann teaches a method of screening a Short Message Service (SMS) or Multimedia Message Service (MMS) call in an SMS or MMS center (see paragraph [0012]). McCann teaches responsive to receipt of an SMS or MMS call in an SMS or MMS center for serving a calling party of said call, performing originating screening using data supplied by said calling party, for determining whether said calling party may attempt to complete said call (see paragraph [0012]). McCann teaches responsive to determining in the originating SMS or MMS center that said calling party may attempt to complete said call, performing terminating screening using data supplied by said called party, for determining in a SMS or MMS center for serving a called party of said call whether said called party of said call can accept calls from said calling party (see paragraphs [0035] & [0036]). McCann does not specifically teach wherein the step of performing terminating screening comprises the step of determining whether said called party has allowed calls having characteristics of said call to be completed to said called party; and wherein the step of performing terminating screening comprises the step of determining whether said called party is willing to accept calls from said

calling party and determining whether said called party has screened calls from said calling party. Zhang teaches wherein the step of performing terminating screening comprises the step of determining whether said called party has allowed calls having characteristics of said call to be completed to said called party; and wherein the step of performing terminating screening comprises the step of determining whether said called party is willing to accept calls from said calling party and determining whether said called party has screened calls from said calling party (see col. 3, lines 15-32). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device in McCann adapt to include wherein the step of performing terminating screening comprises the step of determining whether said called party has allowed calls having characteristics of said call to be completed to said called party; and wherein the step of performing terminating screening comprises the step of determining whether said called party is willing to accept calls from said calling party and determining whether said called party has screened calls from said calling party because the device in McCann is capable of retrieving or looking up information regarding the called party during a terminating screening process (see McCann, paragraph [0035]) and including the information taught in Zhang would improve McCann's prepaid SMS screening service.

Regarding claim 6 Zhang teaches testing whether the destination number of the called party is in a list of numbers to which the calling party may not complete calls (see col. 3, lines 15-32).

Regarding claim 7 McCann teaches testing whether the calling party may originate a service type of the call (see paragraph [0012], prepaid and postpaid service relates to service type).

Regarding claim 9 McCann and Zhang teach a device as recited in claim 7 and is rejected given the same reasoning as above.

Regarding claim 10 Zhang teaches testing whether a content classification of the call is one in which the called party is willing to accept (see col. 3, lines 15-32).

Regarding claim 13 McCann in a Short Message Service (SMS) or Multimedia Message Service (MMS) center an apparatus for screening an SMS or MMS call (see paragraph [0012]). McCann teaches in an SMS or MMS center for serving a calling party of said call, responsive to receipt of an SMS or MMS call, performing originating screening using data supplied by said calling party, for determining whether said calling party may attempt to complete said call (see paragraph [0012]). McCann teaches responsive to determining that the calling party may attempt to complete said call, an SMS or MMS center for serving a called party of said call for performing terminating screening using data supplied by said called party, for determining in a whether said called party of said call can accept calls from said calling party (see paragraphs [0035] & [0036]). McCann does not specifically teach wherein the step of performing terminating screening comprises the step of determining whether said called party has allowed calls having characteristics of said call to be completed to said called party; and determining whether said called party is willing to accept calls from said calling party and determining whether said called party has screened calls from said calling party. Zhang teaches wherein the step of performing terminating screening comprises the step of determining whether said called party has allowed calls having characteristics of said call to be completed to said called party; and determining whether said called party is willing to accept calls from said calling party and determining whether said called party has screened calls from said calling party (see col. 3, lines

15-32). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device in McCann adapt to include wherein the step of performing terminating screening comprises the step of determining whether said called party has allowed calls having characteristics of said call to be completed to said called party; and determining whether said called party is willing to accept calls from said calling party and determining whether said called party has screened calls from said calling party because the device in McCann is capable of retrieving or looking up information regarding the called party during a terminating screening process (see McCann, paragraph [0035]) and including the information taught in Zhang would improve McCann's prepaid SMS screening service.

Regarding claim 21 McCann teaches a method of screening a Short Message Service (SMS) call in an SMS center (see paragraph [0012]). McCann teaches responsive to receipt of an SMS call in an SMS center for serving a calling party of said call, performing originating screening using data supplied by said calling party, for determining whether said calling party may attempt to complete said call (see paragraph [0012]). McCann teaches responsive to determining in the originating SMS center that said calling party may attempt to complete said call, performing terminating screening using data supplied by said called party, for determining in a SMS center for serving a called party of said call whether said called party of said call can accept calls from said calling party (see paragraphs [0035] & [0036]). McCann does not specifically teach wherein the step of performing terminating screening comprises the step of determining whether said called party has allowed calls having characteristics of said call to be completed to said called party; and wherein the step of performing terminating screening comprises the step of determining whether said called party is willing to accept calls from said



calling party and determining whether said called party has screened calls from said calling party. Zhang teaches wherein the step of performing terminating screening comprises the step of determining whether said called party has allowed calls having characteristics of said call to be completed to said called party; and wherein the step of performing terminating screening comprises the step of determining whether said called party is willing to accept calls from said calling party and determining whether said called party has screened calls from said calling party (see col. 3, lines 15-32). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device in McCann adapt to include wherein the step of performing terminating screening comprises the step of determining whether said called party has allowed calls having characteristics of said call to be completed to said called party; and wherein the step of performing terminating screening comprises the step of determining whether said called party is willing to accept calls from said calling party and determining whether said called party has screened calls from said calling party because the device in McCann is capable of retrieving or looking up information regarding the called party during a terminating screening process (see McCann, paragraph [0035]) and including the information taught in Zhang would improve McCann's prepaid SMS screening service.

4. Claims 2-3 and 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCann (US 2003/0091170 A1) in view of Zhang et al. (US 7,116,972 B1) and Cast et al. (US 6,975,876 B1).

Regarding claim 2 McCann and Zhang teach a device as recited in claim 1 except for determining the number of destinations which the calling party is attempting to reach; and

rejecting the call if the number exceeds a limit defined by a class of service of the calling party. Cast teaches determining the number of destinations which the calling party is attempting to reach; and rejecting the call if the number exceeds a limit defined by a class of service of the calling party (see abstract, col. 40, lines 52-61 and col. 42, lines 3-6). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include determining the number of destinations which the calling party is attempting to reach; and rejecting the call if the number exceeds a limit defined by a class of service of the calling party because this would allow for an improved method of screening SMS messages in accordance with user preferences.

Regarding claim 3 McCann, Zhang, and Cast teach a device as recited in claim 2 and is rejected given the same reasoning as above.

Regarding claim 14 McCann, Zhang, and Cast teach a device as recited in claim 2 and is rejected given the same reasoning as above.

Regarding claim 15 McCann, Zhang, and Cast teach a device as recited in claim 2 and is rejected given the same reasoning as above.

5. Claims 4-5 and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCann (US 2003/0091170 A1) in view of Zhang et al. (US 7,116,972 B1) and Molnar et al. (US 2002/0168978 A1).

Regarding claim 4 McCann and Zhang teach a device as recited in claim 1 except for testing for geographic allowability of a call to the called party in accordance with a class of service of the calling party. Molnar teaches testing for geographic allowability of a call to the

called party in accordance with a class of service of the calling party (see paragraphs [0034] & [0035]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include testing for geographic allowability of a call to the called party in accordance with a class of service of the calling party because this would allow for an improved method of screening SMS messages in accordance with user preferences.

Regarding claim 5 McCann and Zhang teach a device as recited in claim 1 except for testing whether the calling party may complete SMS or MMS calls to a roamer; and if the calling party may not complete SMS or MMS calls to a roamer, determining whether the called party is a roamer and blocking the call if the called party is a roamer. Zhang does teach testing whether the calling party may complete SMS or MMS call away from the network; and if the calling party may not complete SMS or MMS calls away from the network blocking the call (see paragraph [0038]). Molnar teaches testing whether the calling party may complete SMS or MMS calls to a roamer (see paragraph [0032]). Molnar teaches and if the calling party may not complete SMS or MMS calls to a roamer, determining whether the called party is a roamer and blocking the call if the called party is a roamer (see paragraphs [0032], [0034] & [0035]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include testing whether the calling party may complete SMS or MMS calls to a roamer; and if the calling party may not complete SMS or MMS calls to a roamer, determining whether the called party is a roamer and blocking the call if the called party is a roamer because this would allow for an improved method of screening SMS messages in accordance with user preferences.

Regarding claim 16 McCann, Zhang, and Molnar teach a device as recited in claim 4 and is rejected given the same reasoning as above.

Regarding claim 17 McCann, Zhang, and Molnar teach a device as recited in claim 5 and is rejected given the same reasoning as above.

6. Claims 8 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCann (US 2003/0091170 A1) in view of Zhang et al. (US 7,116,972 B1) and Allison et al. (US 6,819,932 B2).

Regarding claim 8 McCann and Zhang teach a device as recited in claim 1 except for testing whether the keyword, subject, title, or URL of a web page of the SMS or MMS call is on a list of call types which the called party does not wish to receive. Allison teaches testing whether the keyword, subject, title, or URL of a web page of the SMS or MMS call is on a list of call types which the called party does not wish to receive (see abstract, col. 8, lines 45-67 and col. 9, lines 1-10). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include testing whether the keyword, subject, title, or URL of a web page of the SMS or MMS call is on a list of call types which the called party does not wish to receive because this would allow for an improved method of screening SMS messages in accordance with user preferences.

Regarding claim 18 McCann, Zhang, and Allison teach a device as recited in claim 8 and is rejected given the same reasoning as above.

7. Claims 11 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCann (US 2003/0091170 A1) in view of Zhang et al. (US 7,116,972 B1) and Kim et al. (US 2005/0020289 A1).

Regarding claim 11 McCann and Zhang teach a device as recited in claim 1 except for determining whether the call identifies a merchant from which the called party does not wish to receive SMS or MMS calls. Kim teaches allowing a user to register an unsolicited phone number or word that would be used to determine which messages would be deleted (see paragraph [0025]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include determining whether the call identifies a merchant from which the called party does not wish to receive SMS or MMS calls because this would allow for an improved method of screening SMS messages in accordance with user preferences.

Regarding claim 19 McCann, Zhang, and Kim teach a device as recited in claim 11 and is rejected given the same reasoning as above.

Regarding claim 20 McCann and Zhang teach a device as recited in claim 13 except for testing whether a language of the call is one in which the called party is willing to receive. Kim teaches allowing a user to register words that would be used to determine which messages would be blocked or accepted (see paragraphs [0019] & [0025]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include testing whether a language of the call is one in which the called party is willing to accept because this would allow for an improved method of screening SMS messages in accordance with user preferences.

*Response to Arguments*

8. Applicant's arguments with respect to claims 1-11 and 13-21 have been considered but are moot in view of the new ground(s) of rejection.

*Conclusion*

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Urban et al. Pub. No.: US 2004/0209605 A1 discloses caller ID messaging.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brandon J. Miller whose telephone number is 571-272-7869. The examiner can normally be reached on Mon.-Fri. 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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A handwritten signature in black ink, appearing to be "B. M. J.", written in a cursive style.

November 13, 2007

A handwritten signature in black ink, appearing to be "George Eng", written in a cursive style. Below the signature is a rectangular stamp containing the text "GEORGE ENG" and "SUPERVISORY PATENT EXAMINER" in a bold, sans-serif font.

GEORGE ENG  
SUPERVISORY PATENT EXAMINER